

North York Moors National Park Authority

Parish: Egton

App No. NYM/2020/0605/FL

Proposal: conversion of building to form 1 no. principal residence dwelling with associated amenity space and parking

Location: Cross Farm Buildings, High Street, Egton,

Applicant: The Mulgrave Estate

fao: Mr Robert Childerhouse, The Estate Office, Mulgrave Castle , Lythe, Whitby, YO21 3RL

Agent: John Long Planning Ltd

fao: Mr John Long, 45 The Street, Surlingham, Norwich, NR14 7AJ, Norfolk

Date for Decision: 15/10/2020

Extended to:

Director of Planning's Recommendation

Approval subject to the following condition(s):

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Location plan	06-2020-1001 Rev A	21/09/2020
Site plan	06-2020-1002 Rev A	21/09/2020
Proposed floor plans	06-2020-1003 Rev A	21/09/2020
Proposed elevations	06-2020-1005 Rev A	21/09/2020
Visitor parking & rear access	06-2020-1006 Rev A	21/09/2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- 3 The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.

Application Number: NYM/2020/0605/FL

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
- 5 No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- 6 This permission has been granted in accordance with the details specified in the survey prepared by Ian Langford Building Surveyor dated 24 July 2020. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.
- 7 No work shall commence on the installation of any external fixtures to the building to which this permission/consent relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. All other external lighting and paraphernalia should be removed. The details should include for provision for any exterior fittings including but not limited to lighting, meter boxes, alarm fittings, security cameras, cabling, signage, wall or roof flues that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details
- 8 The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority
- 9 All replacement windows in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, glazing bar pattern, method of opening, external finish, reveals, cills and lintels and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 10 No work shall commence on the installation or removal of any new windows /doors (including garage doors) in the development hereby approved until detailed plans showing the constructional details, materials and external appearance of all external doors/ windows and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. All windows/ doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Application Number: NYM/2020/0605/FL

- 11 The external face of the frame to all new doors shall be set in a reveal of a minimum of 200mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 12 All pipework/cabbling and other services related to the internal accommodation is to be located internally unless agreed in writing with the Local Planning Authority.
- 13 All rainwater goods shall be painted cast iron in a colour to be agreed in writing by the Local Planning Authority and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing.
- 14 No work shall commence to paint the external joinery in the development hereby approved until a scheme for the painting of all external joinery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed treatment for doors, windows, shutters, stable doors and any other exterior joinery fixtures. The works shall be carried out in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 15 No work shall commence on the excavation of the proposed courtyard area hereby approved until the applicant has submitted, for the written approval of the Local Planning Authority, a method statement to support any wall or vertical surface along with details of the proposed boundary treatment. The work shall not be carried out other than in accordance with the details so approved.
- 16 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Informative(s)

- 1 MISCINFO Bats
1
All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.

Application Number: NYM/2020/0605/FL

Reason(s) for Condition(s)

- 1 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
- 2 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
- 3 In order to comply with NYM Local Plan Policy CO7 which seeks to restrict the occupancy of new residential development to those people who will make the property their principal residency and thus contribute to the sustainability of the local community.
- 4 In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
- 5 In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
- 6 In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.
- 7-14 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 15 In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.
- 16 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

Application Number: NYM/2020/0605/FL

Consultations

Parish – 16/9/2020 – Support

Highways –.

Environmental Health Officer –28/8/2020 – No objections on housing grounds

Advertisement Expiry Date – 1 October 2020

Others

Mr I Woodcock, Dale View, Egton – 18/9/2020 - The planning application states that this is for "residential use (principal residence)", stipulations should be placed on any approval that it can only be a principal residence and not become another holiday let/second home.



Application Number: NYM/2020/0605/FL



Application Number: NYM/2020/0605/FL

Background

The application site is located within the central part of the village of Egton on the junction High Street and the Grosmont Road. It has residential properties either side and opposite, and a former slaughterhouse to the rear.

The site is within the Egton Conservation Area but the outbuilding is not listed or within the curtilage of a listed building.

Since the 1980's the building has been used for various light industrial purposes including cosmetic packaging and picture framing and a gin distillery operation. The gin distillery business moved to other premises in Lythe in September 2019, and since then the outbuilding (other than the garage which has for many years been in domestic use) has remained empty.

This application seeks full planning permission for the conversion of this single storey building into a two bedroom principal residence dwelling with integral garage and modest amenity area to the side and rear of the property.

External works to the outbuilding will be minimal with replacements to match existing and the removal of the rear steel stairs fire escape. Three doorways (two on the front elevation and one on the rear) are proposed to be have glass windows installed (one with obscured glazing), with the doors to be retained and pinned back in the 'open' position.

Internally, the space is proposed to be sub-divided to form two bedrooms, a living room, kitchen/diner, study/home office; boot/utility room and bathroom.

Other works include the installation of a post and rail fence and hedging to the rear to create a modest courtyard garden; the excavation of soil and relocation and reconstruction/extension of the existing low stone retaining wall (less than 1m in height) next to the garage, to create a courtyard area space and new stone steps to provide access to the proposed rear garden.

In support of the application, the applicant's agent has stated that:-

The Estate has marketed the outbuilding for commercial use since 1 September 2019. The Estate has been unable to find a commercial tenant for the property. The evidence would suggest that the building is unsuitable for a viable commercial use. The building is located in the village centre, within the Conservation Area and is surrounded on 3 sides by residential dwellings. The building is linear and divided in to 10 rooms, making its use as a commercial premise very limited. There is limited car parking, and the rear yard and access arrangements are unsuitable for modern commercial vehicle movements, such as deliveries and drop offs.

The Estate and the National Park have previously received complaints from residents about noise from the unit in the past, suggesting that a commercial use is not compatible for the village centre location and residential area. Therefore in accordance with paragraph 10 of Appendix 2 of the recently adopted NYMNP Local Plan, 2020, it is clear that the building can be deemed no longer suitable for a commercial use, due to its internal

Application Number: NYM/2020/0605/FL

configuration, it's location very close to residential dwellings and the lack of adequate commercial vehicle delivery, pick up and manoeuvring space. This is demonstrated by the lack of interest from prospective tenants in taking the building on. It can be concluded that the best and most appropriate use for the building is that of a single residential dwelling, which will secure the building's future for the longer term.

Main Issues**Local Plan**

Strategic Policy M - Housing – seeks to ensure the delivery of new homes to help meet the needs of local communities and be delivered through the development of sites allocated in the Helmsley Local Plan and in Policy ENV13, Environmental Enhancement Sites; through windfall development, including custom and self-build housing, on suitable small sites in listed settlements; through affordable housing schemes on rural exception sites and through proposals put forward in accordance with a Whole Estate Plan approved by the National Park Authority.

Open market housing (and affordable housing) will be permitted in the Local Service Centre of Helmsley, with principal residence and affordable housing on suitable small sites in Larger Villages which includes Egton.

Policy CO7 - Housing in Larger Villages – Sets out that in order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted on suitable small sites within the main built up area of the village only, with proposals meeting the need for smaller dwellings, or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

Policy ENV11 – Historic Settlements and Built Heritage - This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

Policy BL2 - Reuse of Existing Employment and Training Facilities seeks to resist proposals that would lead to the loss of existing employment and training sites or premises unless the site or premises are incapable of beneficial reuse for economic purposes or where the new use would result in a significant improvement to the environment or highway safety which outweighs the loss of employment and training facility land.

It goes on to state that conversion to residential use will not be permitted unless it can be demonstrated that the current use is no longer economically viable, meaning that there is insufficient demand that would allow the facility to keep functioning. In this event the Authority will require that the viability and marketing tests set out in Appendix 2 are met.

Application Number: NYM/2020/0605/FL

Appendix 2 – Viability Tests - sets out that applications must be supported by evidence that the current use is economically unviable and that it has been subject to a robust marketing exercise to find a new owner. Applicants must provide evidence that a comprehensive marketing exercise to dispose of the existing enterprise has been carried out. In most cases applicants will need to carry out a minimum of 12 to 24 months active marketing depending on the circumstances of the case.

Applicants must provide evidence that a comprehensive marketing exercise to dispose of the existing enterprise has been carried out. In most cases applicants will need to carry out a minimum of 12 to 24 months active marketing depending on the circumstances of the case, which should include the use of an established commercial agent; advertising in the local and regional press as follows (usually a minimum of one advert per month or online for 12-24 months), a minimum of two adverts or one online advert over the marketing period in a relevant national publication and where appropriate, registration of the availability of the property on the relevant Local Authority Commercial Property Database.

Material Considerations

The building is a traditional stone and pantile former agricultural building which is considered to contribute to the character of the conservation area and therefore its retention and maintenance is considered to be important to the character of the area.

In terms of the loss of an economic use, the application is supported by marketing information evidencing its marketing since September 2019 and lack of suitable interest. Furthermore, supporting information has also been submitted setting out why the building is no longer suitable for a continuing economic use.

The details of the works proposed would retain the character of the building and the scheme has been amended in accordance with comments of the Highways Authority.

In view of the above, approval is recommended.

Pre-commencement Conditions

N/A

Explanation of how the Authority has Worked Positively with the Applicant/Agent**Approval (Amendments Requested and Received)**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including alterations to vehicular access, so as to deliver sustainable development.